



**EXAMINATION OF THE CITY OF YORK LOCAL PLAN  
2017-2033**

**PHASE 4 HEARINGS**

**MATTER 13: Climate Change**

**CITY OF YORK COUNCIL STATEMENT**

## Matter 13 – Climate Change

### 13.1 Is the suite of Policies CC1 to CC3 (as proposed for modification) a sufficiently comprehensive response to this issue?

13.1.1 Yes, Policies CC1 to CC3, as proposed for modification at Appendix 1 to this statement, meet requirements within the NPPF 2012 to provide a comprehensive framework to appropriately manage the challenge of climate change.

13.1.2 Paragraph 94 of the NPPF clearly advises that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations. Further explanation of the Council response is set out under individual policies below.

13.1.3 The Draft York Climate Change Strategy sets an ambition for the city to be net zero carbon by 2030. Page 16 of the Strategy identifies the targeted reduction in emissions by 2030 associated with domestic buildings as 56% and non-domestic buildings as 37%. To support this ambition, the Climate Change Strategy identifies the following objectives:

- Improve energy efficiency of existing buildings
- Reduce emissions from new buildings
- Move away from fossil fuel heating systems

13.1.4 In the Phase 2 Matter 8 Hearing Statement (HS/P2/M8/CC/1) at 8.1.2 the Council identified the Government's wider climate change commitments as below:

- Building Regulations – came into effect on 15 June 2022
- Environment Act - received Royal Assent on 9 November 2021;
- Climate Change Act 2008 (as amended) and the Sixth Carbon Budget (April 2021).

13.1.5 At paragraph 8.1.3 it noted that updates to Building Regulations would be considered in Phase 4 of the Examination Hearing against Policies CC1 to CC3 of the plan.

13.1.6 The modifications proposed to Policies CC1 to CC3 in Appendix 1 update the policies to reflect changes in standards and regulations since the Local Plan was originally submitted in 2018. These modifications also support the objectives within the Climate Change Strategy by ensuring that consequential improvements to existing dwellings achieve higher energy efficiency performance, all new buildings deliver minimum emissions reductions and that low-carbon heating systems are prioritised.

### **13.2 Does the approach of Policy CC1 to renewable and low-carbon energy generation and storage appropriately reflect national policy?**

13.2.1 Policy CC1, including proposed modifications, reflects national policy, notably paragraph 97 of the NPPF 2012 which requires Local Plans to have a positive strategy to promote energy from renewable and low carbon sources.

13.2.2 The policy wording in the submitted Local Plan [CD001] is not technology-specific and effectively encompasses a very wide range of development types, as indicated in the NPPF's glossary definition of renewable and low carbon energy (Annex 2):

“Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).”

13.2.3 The requirement for new buildings to achieve 28% carbon emission reductions through the provision of renewable and low carbon technologies is, however, proposed to be deleted. Carbon emissions in new buildings are dealt with in Policy CC2 and it is considered that for clarity Policy CC1 should have a distinct focus on development related specifically to renewable and low carbon energy generation and storage. Indeed, the referenced targets and material in the explanatory text at paragraphs 11.8 – 11.11 (under Carbon Reduction Targets) has also been superseded by more recent evidence. A modification is proposed to delete these paragraphs.

13.2.4 It is acknowledged that many of the technologies identified in the NPPF glossary definition are subject to specific national policy and/or guidance. The PPG includes particular considerations for hydropower, active solar technology, solar farms and wind turbines (Paragraph: 010 Reference ID: 5-010- 20140306). These considerations, which include the national policy requirements for onshore wind are not re-stated within the submitted Local Plan.

13.2.5 For the avoidance of doubt, and to reflect the Written Ministerial Statements relating to onshore wind developments and large-scale ground-mounted solar photovoltaic farms, which have subsequently been reflected in PPG, modifications are proposed to make clear these developments will be determined in accordance with national policy and guidance.

- 13.2.6 The criteria-based approach applied to other renewable and low carbon energy developments is consistent with PPG (Paragraph: 007 Reference ID: 5-007-20140306). The NPPF also makes it clear that policies should ensure that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts (paragraph 97). These requirements are captured by the modifications and criteria in Policy CC1 as proposed to be modified. A modification is also proposed to make clear storage developments will be assessed against the same assessment criteria.
- 13.2.7 The reference in the policy to the potentially suitable areas for renewable energy identified in the Renewable Energy Study is proposed to be deleted as the explanatory text makes clear that it does not provide a basis for identifying the only appropriate locations for renewable energy developments.

### **13.3 Is the approach of Policy CC2 to sustainable design and construction justified?**

- 13.3.1 In line with the Council's net zero ambitions (expressed in the draft Climate Change Strategy [EX-CYC-104]), the policy introduces standards for new build which will achieve higher reductions in carbon emissions ahead of further changes to building regulations. The approach to sustainable design and construction embedded within Policy CC2 is justified by evidence and wider legal and policy framework.
- 13.3.2 The NPPF 2012 at paragraph 95 advises that Local Planning Authorities should (amongst other requirements):
- actively support energy efficiency improvements to existing buildings; and
  - when setting any local requirement for a building's sustainability, do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards.
- 13.3.3 It is, however, recognised that the NPPG has led to some uncertainty with regards the position for local authorities setting energy efficiency standards for new development. Notwithstanding the transitional arrangements subject to the Local Plan's examination, paragraph 12 (ID 6-012-20190315) explains that:

*Different rules apply to residential and non-residential premises. In their development plan policies, local planning authorities:*

- *Can set energy performance standards for new housing or the adaptation of buildings to provide dwellings, that are higher than the building regulations, but only up to the equivalent of Level 4 of the Code for Sustainable Homes.*

- *Are not restricted or limited in setting energy performance standards above the building regulations for non-housing developments.*

*The Planning and Energy Act 2008 allows local planning authorities to set energy efficiency standards in their development plan policies that exceed the energy efficiency requirements of the building regulations. Such policies must not be inconsistent with relevant national policies for England. Section 43 of the Deregulation Act 2015 would amend this provision, but is not yet in force.*

*The Written Ministerial Statement on Plan Making dated 25 March 2015 clarified the use of plan policies and conditions on energy performance standards for new housing developments. The statement sets out the government's expectation that such policies should not be used to set conditions on planning permissions with requirements above the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes (this is approximately 20% above current [Part L 2013] Building Regulations across the build mix).*

13.3.4 In the Future Homes Standard (report of consultation and government response; January 2021) it has since been confirmed that the Planning and Energy Act 2008 will not be amended:

*"To provide some certainty in the immediate term, the Government will not amend the Planning & Energy Act 2008, which means that local planning authorities will retain powers to set local energy efficiency standards for new homes."*

13.3.5 Confirmation that standards set by local authorities may exceed building regulations was also confirmed in the Future Homes Standard (report of consultation and government response; January 2021)

*2.33 At present, local planning authorities may include policies in their local plans which require developers to comply with energy efficiency standards for new homes that exceed the minimum requirements of the Building Regulations.*

*2.34 The Planning and Energy Act 2008 was amended in 2015 to provide Government with powers to stop local planning authorities from being able to exceed the minimum energy efficiency requirements of the Building Regulations, but this amendment has not been commenced. In the same year, the then Government set out in a Written Ministerial Statement an expectation that local planning authorities should not set energy efficiency standards for new homes higher than the energy requirements of Level 4 of the Code for Sustainable Homes, which is equivalent to a 19% improvement on the Part L 2013 standard.*

13.3.6 Current building regulations (introduced on 15th June 2022) require a 31% carbon emission reduction from the 2013 Part L standard, which is more than the equivalent of the Code Level 4 achieved (a 19%

reduction from Part L 2013). On that basis the NPPG referred to above should be considered out of date and any policy requirement that exceeds current Building Regulations will, as a matter of course, exceed Code Level 4 of the now redundant Code for Sustainable Homes.

- 13.3.7 In light of the above, the policies set out in the Local Plan (as modified) conform with the government's position on the setting of local energy efficiency standards for new build development.
- 13.3.8 Modifications to the policy are proposed and included at Appendix 1. This includes improvements to the introductory paragraph to make clear the overarching policy objectives and their link to the policy requirement for Sustainability and Energy Statements.
- 13.3.9 The structure of the remaining parts of the policy is to be modified, with requirements clearly related to:
- Residential developments;
  - Non-residential developments;
  - Conversions / change of use; and
  - Strategi sites.
- 13.3.10 Within part A, requirements for residential developments are proposed to be updated to reflect current building regulations, with a stronger requirement for a fabric first approach to be applied. A target to achieve a 75% reduction in carbon emissions is also introduced, which pre-empts the expected introduction of the Future Homes Standard. This policy requirement has been appropriately incorporated in the viability testing set out in the Local Plan evidence base, notably at appendix 2 to the Councils phase 2 matter 6 hearing statement [EX-HS-P2-M6].
- 13.3.11 The clause relating to non-residential developments is proposed to be modified to introduce an aspirational requirement to achieve a 28% reduction in carbon emissions, where it is viable to do so. The approach recognises that, currently, the Future Building Standard does not set a performance improvement threshold akin to the 75-80% established by the Future Homes Standard. The requirement within Policy CC1 (as submitted but now subject to proposed modification) has therefore been transferred into Policy CC2.
- 13.3.12 Modifications to the requirements for changes of use are proposed for clarity and effectiveness. Similarly, it is proposed to delete the requirement for householder extensions to demonstrate proportional improvements above building regulations. It is unclear how that requirement would operate in practice and is considered a disproportionate burden on applicants.

13.3.13 New explanatory text is proposed within the modifications to support these changes.

### **13.4 Will Policy CC3 be effective in its approach to district heating and CHP networks?**

13.4.1 The proposed modifications to both the policy and the explanatory text bring the policy in line with emerging Heat & Buildings Strategy (2021) and seek to future proof the policy requirements in recognition of likely significant regulation and guidance changes over the course of the plan period. This has been indicated in Government's response to the heat network zoning consultation published June 22<sup>1</sup>, which suggests Local Authorities will be assigned new powers to assign heat network zones and mandate new developments within those zoned to connect to a heat network or make provision for future connection

13.4.2 The Council supports combined cooling, heating and power (CCHP) and combined heating and power (CHP) distribution networks, but a modification makes clear this is where the power source is non-fossil fuel based. Some decentralised energy networks rely on fossil fuels (e.g. gas) and therefore, whilst often more efficient than a centralised fossil fuel system, are still net carbon emitters which the Council recognises will not support its net zero aspiration.

13.4.3 Modifications require all major development to consider feasible options for decentralised energy networks against hierarchy of approaches that are further detailed in explanatory text. It is intended that the details will be expanded upon in the emerging SPD.

13.4.4 Whilst the Leeds City Region Strategic Heat Programme Heat Network Opportunity Mapping Report (2014) provides evidence that York has heating demand concentrations capable of supporting decentralised networks, it is recognised that this work is now somewhat dated. For clarity and effectiveness direct references to this work, including the mapping, are proposed to be deleted. The sustainable design SPD will provide appropriate signposting to support applicants with the process of identifying existing or future decentralised energy networks.

13.4.5 Policy CC3 is consistent with the thrust of NPPF 2012 paragraph 97 and is fully justified. It will provide an effective approach to supporting decentralised energy networks across York.

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<sup>1</sup> <https://www.gov.uk/government/consultations/proposals-for-heat-network-zoning>



## Appendix 1 – Proposed Modifications

### Section 11: Climate Change

- 11.1 The Local Plan has an important role in tackling climate change and delivering wider sustainable development goals in line with the National Planning Policy Framework (2012) (NPPF). This means delivering our social, economic aspirations and legal duties without compromising the environmental limits of York for current and future generations. This section outlines how York will tackle the challenges of climate change specifically through ensuring development that generates renewable/low carbon energy, uses natural resources prudently and is built to high standards of sustainable design and construction. The policies contained within this section are central to fulfilling the aspirations of One Planet Council in relation to environmental sustainability of the York Climate Change Strategy.

#### Policy CC1: Renewable and Low Carbon Energy Generation and Storage

~~New buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. This should be achieved through the provision of renewable and low carbon technologies in the locality of the development or through energy efficiency measures. Proposals for how this will be achieved and any viability issues should be set out in an energy statement.~~

Renewable and low carbon energy generation developments will be encouraged and supported in York. ~~We The Council~~ will work with developers to ensure that suitable sites are identified and projects developed, ~~working with local communities to ensure developments have their support. Developments on brownfield land will be encouraged.~~

~~All applications will also need to consider the impact the scheme may have on: Proposals for renewable and low carbon energy development, including ancillary development, will be permitted where impacts (direct, indirect, individual and cumulative) on the following considerations are demonstrated to be acceptable:~~

- i. York's historic character and setting, including the sensitivity of the scheme to the surrounding landscape and proximity to air fields and other sensitive land use, including conservation areas;
- ii. local communities and residential amenity resulting from development, construction and operation such as air quality, atmospheric emissions, noise, odour, water pollution and the disposal of waste;
- iii. the location in terms of the scale of the proposal and new grid connection lines;
- iv. national and internationally designated heritage sites or landscape areas, including the impact of proposals close to their boundaries;
- v. nature conservation sites and features, biodiversity and geodiversity, including protected local sites and other sites of nature conservation importance, and potential effects on setting, habitats, species and the water supply and hydrology of such sites;



- vi. the road network capacity and highway safety, taking into account the accessibility of the site by road and public transport and also the proximity to the renewable fuel source; and
- vii. agriculture and other land-based industries.

Applications will also be determined in accordance with any further considerations that apply to specific technologies for renewable energy or low carbon technologies that are set out in national planning policy or practice guidance

Any application for renewable energy would also need to consider the areas of potential and other technical requirements identified in the Council's most up to date Renewable Energy Study

Strategic sites will be required to produce energy masterplans to ensure that the most appropriate low carbon, renewable and energy efficient technologies are deployed at each site, taking into account local factors and the specifics of the masterplans.

Proposals for renewable and low carbon energy storage developments will be supported and encouraged, subject to demonstrating that impacts on the above considerations are acceptable where relevant. Developments should in particular be sited a suitable distance from major residential areas and have suitable fire suppression procedures.

**See also Policy DP2, CC2, SS5, SS6, SS7, SS8, GB1 and GI1**

### **Explanation**

- 11.2 Renewable energy is defined by the International Energy Agency as energy that is derived from natural processes (e.g. sunlight and wind) that are replenished at a higher rate than they are consumed. Solar, wind, geothermal, hydropower, bioenergy and ocean power are sources of renewable energy. Renewable and low carbon energy generation includes absorption cooling, biomass, combined heat and power, ground cooling, ground source heat pumps, photo voltaic, solar hot water and wind energy.
- 11.3 Local Planning Authorities have a statutory obligation, under Section 19(1A) of the Planning and Compulsory Purchase Act 2004 to include 'policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change'. The NPPF (2012) recognises the key role of planning in securing 'radical reductions in greenhouse gas emissions' and states that Local Planning Authorities should 'have a positive strategy to promote energy from renewable and low carbon sources' and 'consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources'.
- 11.4 Policy CC1 encourages the development of renewable and low carbon energy generation. The City of York Council Renewable Energy Study (2014) assessed the city's potential for generating renewable energy and concluded that there is potential to generate renewable energy from a variety of available sources including wind, solar and hydro. The study also assessed the impacts of such potential on the city

and recommends potential areas where renewable energy could be considered in the future (subject to further feasibility studies and full planning processes.)

- 11.5 The Renewable Energy Study included a series of maps which highlight potential areas across the city that could be considered for renewable energy generation in the future. These maps are to encourage consideration of renewable energy generation only. This does not preclude future projects from coming forward that are not highlighted in this study. However, all applications will need to meet Policy CC1.
- 11.6 To assist in the assessment of proposals coming forward the Council will encourage applicants to use Managing Landscape Change: Renewable and Low Carbon Energy Developments – A Sensitivity Framework of North Yorkshire and York (2012) in preparing their planning applications for renewable electricity and heat production installations. Commercial scale proposals for low carbon and renewable energy schemes that respond favourably to the opportunities and sensitivities identified in these documents and which meet the spatial principles, will be encouraged and supported.
- 11.7 Energy storage is crucial to increasing the proportion of renewable and low carbon energy in the system. This is an emerging area and the Council will continue to work with relevant experts to ensure that suitable energy storage opportunities are identified and brought forward. A Supplementary Planning Document will be produced in due course, including on safety requirements for storage sites.

### **Carbon Reduction Targets**

- 11.8 Alongside the planning obligation outlined in the Planning and Compulsory Purchase Act (2004) and NPPF as outlined in above, the UK government is committed to achieving carbon reduction targets outlined in the UK Climate Change Act (2008) and the ratified Paris Agreement. At a local level, the Council have outlined their commitment to achieving carbon reduction targets of 40% by 2020 and 80% by 2050, within the Climate Change Framework for York (2010). This is in line with the binding national targets set in the Climate Change Act (2008). The Council outline in the City Vision 2030 (2016) that York aspires to be the 'greenest city in the north', where 'sustainability underpins everything that we do'. Setting a target for carbon reduction that goes beyond the target emission rate of Part L of the Building Regulations will enable York to deliver on this ambition.
- 11.9 Part 1 of the Planning and Energy Act (2008) gives powers to Local Planning Authorities to set policy to reduce carbon emissions in new developments. Point "a" gives powers to require that a proportion of energy used in a development is from renewable or low carbon sources. This was not amended in the Deregulation Act and therefore these powers remain.
- 11.10 Whilst the Deregulation Act removed point 'C' which relates to powers to set targets to exceed the energy efficiency requirements of Building Regulations, it is possible that compliance with a carbon reduction target will be more cost effective with the deployment of enhanced energy efficiency measures rather than renewable and low carbon sources. The Council will therefore permit developments to comply with the target of at least a 28% reduction in carbon emissions through either enhanced

energy efficiency measures, use of renewable and low carbon sources, or a mix of both, where appropriate.

11.11 The target of 28% is aligned to the committee on climate change's analysis of the fourth carbon budget of the Climate Change Act (2008), which determines the most cost-effective path for reducing emissions from buildings. This target applies to all developments.

## **Delivery**

- Key Delivery Partners: City of York Council; developers; and renewable energy developers.
- Implementation: Sustainable Design and Construction Supplementary Planning Document; sustainability statements; sustainable energy statements; and planning applications.

## Policy CC2: Sustainable Design and Construction of New Development

Developments which demonstrate should achieve high standards of sustainable design and construction will be encouraged by demonstrating Development proposals will be required to demonstrate

- energy and carbon dioxide savings in accordance with the energy hierarchy;
- and water efficiency; and
- Development proposals will be expected to consider consideration of good practice adaptation principles for climate resilience in their design, construction and operation.

Planning applications for development covered by this policy are required to include a Sustainability and Energy Statement to demonstrate how the requirements will be met and how development appropriately follows the energy hierarchy.

### A. Sustainable Design and Construction of New Development Residential Development

Proposals will be supported where they meet the following:

All new residential buildings development of 1 or more should achieve:

- i. at least a 19% reduction in Dwelling Emission Rate compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L1A of the Building Regulations 2013) on-site carbon emissions reduction of a minimum of 31% over and above the requirements of Building Regulations Part L (2013), of which at least 19 % should come from energy efficiency measures; and,
- ii. a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

Pending anticipated changes to Building Regulations, developments should further aim to achieve up to a 75% reduction in carbon emissions over and above the requirements of Building Regulations Part L (2013) unless it is demonstrated that such reductions would not be feasible or viable.

Any other level of reductions required through Building Regulations or other legislation will supersede the above requirements

### B. Non-residential development

All new non-residential buildings development with a total internal floor area of 100m<sup>2</sup> or greater should achieve:

- i. a 28% reduction in carbon emissions over and above the requirements of Building Regulations (2013) unless it is demonstrated that such reductions would not be feasible or viable; and,
- ii. BREEAM 'Excellent' (or equivalent). where development proposals are for 1,000m<sup>2</sup> or more.

Strategic site developments should undertake a BREEAM Communities assessment (or equivalent).

All new residential and non-residential developments will be required to submit an energy statement which demonstrates how these requirements will be met. This should include a sustainability checklist, which shows how principles for sustainable design, construction and operation will be achieved.

### **C. Conversion of Existing Buildings and Change of Use**

Applications Proposals for conversion of existing residential buildings or change of use to residential use should achieve BREEAM domestic refurbishment 'very good' as a minimum.

and Proposals for non-residential conversions or change of use will need to achieve BREEAM Non-Domestic refurbishment and Fit out 'excellent' as a minimum.

If proposals Proposals relating to buildings heritage assets should demonstrate the maximum BREEAM score that can be achieved whilst conserving the significance of the asset. of heritage and conservation value these standards would only be required where they can be achieved in a manner consistent with the appropriate conservation of that asset. The extent to which they can be achieved must be demonstrated by the applicant

### **D. Strategic Sites**

Development proposals on strategic sites should undertake a BREEAM Communities Assessment (or equivalent).

### **Consequential Improvement to Existing Dwellings**

When applications are made to extend dwellings, proposals will be expected to demonstrate reasonable and proportionate improvements to the overall energy performance of the dwelling. This will be in addition to the requirements of Part L of the Building Regulations.

See also Policy DP2, CC1, SS5, SS6, SS7 and SS8

### **Explanation**

- 11.12 Policy CC2 aims to ensure that all new developments achieve high standards of sustainable design and construction, by minimising greenhouse gas emissions, using resources efficiently, enhancing climate change resilience and promoting health and wellbeing. A sustainability statement will be required for all new residential and non-residential applications.
- 11.12a The Council will assess compliance with this policy based on the Sustainability and Energy Statement and/or the BREEAM report. BREEAM is used widely in local planning policy in the UK to demonstrate high standards of sustainable design and construction.

11.12b The Sustainability and Energy Statement should be completed by a suitably qualified individual and demonstrate how the emissions reduction will be achieved in line with the widely recognised energy hierarchy to:

- Be Lean: use less energy
- Be Clean: supply energy efficiently
- Be Green: use low and zero carbon technologies
- Be Seen: providing monitoring data to measure effectiveness

## **Energy Efficiency-**

### **Reducing Carbon Emissions from Development**

11.13 Research carried out by Carbon Descent on behalf of the Council indicated that, without positive intervention to reduce CO<sub>2</sub> emissions, emissions in York will rise by around 31% by 2050<sup>1</sup> The report highlights the substantial role that energy efficiency measures, and renewable energy or low carbon energy generation will need to play in both residential and non-residential development if the city is to meet its own greenhouse gas emissions targets for 2020 and 2050, and the Climate Change Act's 2050 target.

11.13a Latest Building Regulations (June, 2022) requires a 31% reduction in carbon emissions from residential buildings. There is flexibility on how the emissions reduction is achieved (whether through fabric improvements or renewables). To ensure that each individual dwelling meets a minimum performance threshold and follows the energy hierarchy, a minimum 19% emissions reduction through energy efficiency measures has been applied.

11.13b Further changes to energy efficiency standards for new homes with a new 'Future Homes Standard' are expected to be introduced by 2024. These will ensure new homes built from 2025 will produce 75-80% lower carbon emissions than homes delivered under current regulations. Policy CC2 therefore encourages developers to design homes to meet this level of efficiency in advance of anticipated legislative changes. The Future Homes Standard is also expected to put much greater emphasis on 'fabric first' improvements and the Council aligns the policy to this.

11.13c Any proposed reduction of at least 28% in carbon emissions in non-residential buildings can be achieved through either enhanced energy efficiency measures, use of renewable and low carbon sources, or a mix of both where appropriate

11.14 The Deregulation Act 2015, the ministerial statement following the Housing Standards Review, and the HM Treasury report Fixing the Foundations: Creating a More Prosperous Nation (2015) all directly affect Policy CC2 for housing. Currently, councils in England can no longer demand energy efficiency improvements beyond the requirements of Building Regulations, require new homes to achieve zero carbon standards, implement 'allowable solutions', or ask for new housing to meet any level

of the Code for Sustainable Homes (CfSH). However, a 19% reduction in building emission rate versus target emission rate is currently permitted.

### **Future changes to energy efficiency legislation**

11.15 From April 2018, private landlords must ensure their properties in England and Wales reach at least an energy performance certificate rating of E, under the Energy Efficiency (Private Rented Property)(England and Wales) Regulations 2015. This legislation will require improvements to all F and G rated properties, subject to exemptions.

### **Water efficiency**

11.16 The new optional technical standard for water consumption in the home states that Local Planning Authorities may request new housing developments to achieve 110 litres/person/day (compared to the 125 litres/person/day required in current Building Regulations Part G), where they can justify the need.

11.17 Yorkshire Water is classified as being under 'moderate stress' by the Environment Agency (in 2013), for current and future scenarios. The Humber river basin district river basin management plan states that 'implementing water efficiency measures is essential to prepare and be able to adapt to climate change and increased water demand in future'. It also cites local plan policies requiring 110 litres/person/day in new homes as an effective measure for water demand management in the area.

### **BREEAM**

11.18 BREEAM is used widely in local planning policy in the UK to demonstrate high standards of sustainable design and construction. Achieving the BREEAM 'excellent' standard requires mandatory minimum standards, which go beyond the minimum requirements of building regulations.

### **Consequential Improvements**

11.19 It is estimated that 80% of buildings in the UK will still be in use by 2050. As such, it is important that these buildings use energy in the most efficient way. Of the total number of planning applications received in York, almost 50% of them are for householder development.

11.20 The Health Impacts and Costs of Poor Housing in York (2015) indicates the potential for improving the energy performance of existing homes. The report estimates that within the private sector in York there are 10,037 dwellings (13%) with less than 100mm of loft insulation, and only 22% of dwellings with lofts have 250mm+ of loft insulation. There are an estimated 22,608 dwellings (approximately 30%) with un-insulated cavity walls and 13,839 with solid walls (approximately 19%). As such, the Council will support and encourage consequential improvements when applications for extensions to dwellings are made to help improve energy efficiency. Since consequential improvements for non-residential buildings are required for the Building Regulations this part of the policy focuses solely on housing. The Council will support homeowners in delivering efficiency improvements by identifying financial support initiatives that are applicable to the proposed energy efficiency measures.



11.21 The Council will encourage the most of straightforward opportunities for improvement such as loft and cavity wall insulation, draught proofing, improved heating controls and replacement boilers. The improvements sought by the Council will be reasonable and proportionate to the costs of the extension/development proposed and the measures of CO<sub>2</sub> reduction benefit.

### **Climate Resilience**

11.22 National and local climate change risk assessments demonstrate the current and predicted future impacts of climate change in the UK. The NPPF states that planning plays a key role in minimising vulnerability and providing resilience to the impacts of climate change. For the built environment, the priority areas for adaptation are considered to be flood management and sustainable drainage, water efficiency and minimising risks from overheating.

11.23 For York, the anticipated annual costs of damage from climate-related incidents is predicted to be between £95m and £158m by 2050. Developments which conduct a climate risk assessment and include adaptation measures to minimise climate related risks and costs of damage will be encouraged.

### **Delivery**

- Key Delivery Partners: City of York Council; developers; and renewable energy developers.
- Implementation: Sustainable Design and Construction Supplementary Planning Document; sustainability statements; sustainable energy statements; and planning applications.

## **Policy CC3: District Heating and Combined Heat and Power Decentralised Energy Networks**

A. The Council strongly supports the development of decentralised energy, including both combined cooling, heating and power (CCHP) and combined heating and power (CHP) distribution networks where the power source of such a network is non-fossil fuel based.

B. All major developments are required to assess the feasibility and viability of connecting to an existing decentralised energy network, or, where this is not possible, identified future network opportunities. Where neither option is feasible or viable, developments should evaluate the feasibility and viability of developing a site-wide network. Developments will be required to adopt a solution according to this order unless it is demonstrated that they would be neither feasible nor viable. This evidence should be included in the Sustainability and Energy Statement.

Proposals for development within heat priority areas and all New Strategic Sites must demonstrate, that heating and cooling technologies have been selected in accordance with the following heating and cooling hierarchy, unless it can be clearly demonstrated that such requirements are not viable and/ or that an alternative approach would be more sustainable:-

- i. connection to existing (C)CHP distribution networks;
- ii. site wide renewable distribution networks including renewable (C)CHP;
- iii. site wide gas-fired (C)CHP distribution networks;
- iv. renewable communal heating/ cooling networks;
- v. gas-fired communal heating/ cooling networks;
- vi. individual dwelling renewable heating; and
- vii. individual dwelling heating, with the exception of electric heating.

C. All (C)CHP systems are required to be scaled and operated in order to maximise the potential for carbon reduction. Developments that do not connect to or implement (C)CHP or communal heating networks should be 'connection ready'.

D. Energy statements must be provided to demonstrate and quantify how development will comply with the energy requirements of this policy. Sustainability and energy statements should set out a level of detail proportionate to the scale of development. The Council will work proactively with applicants on major developments to ensure these requirements can be met.

### **Explanation**

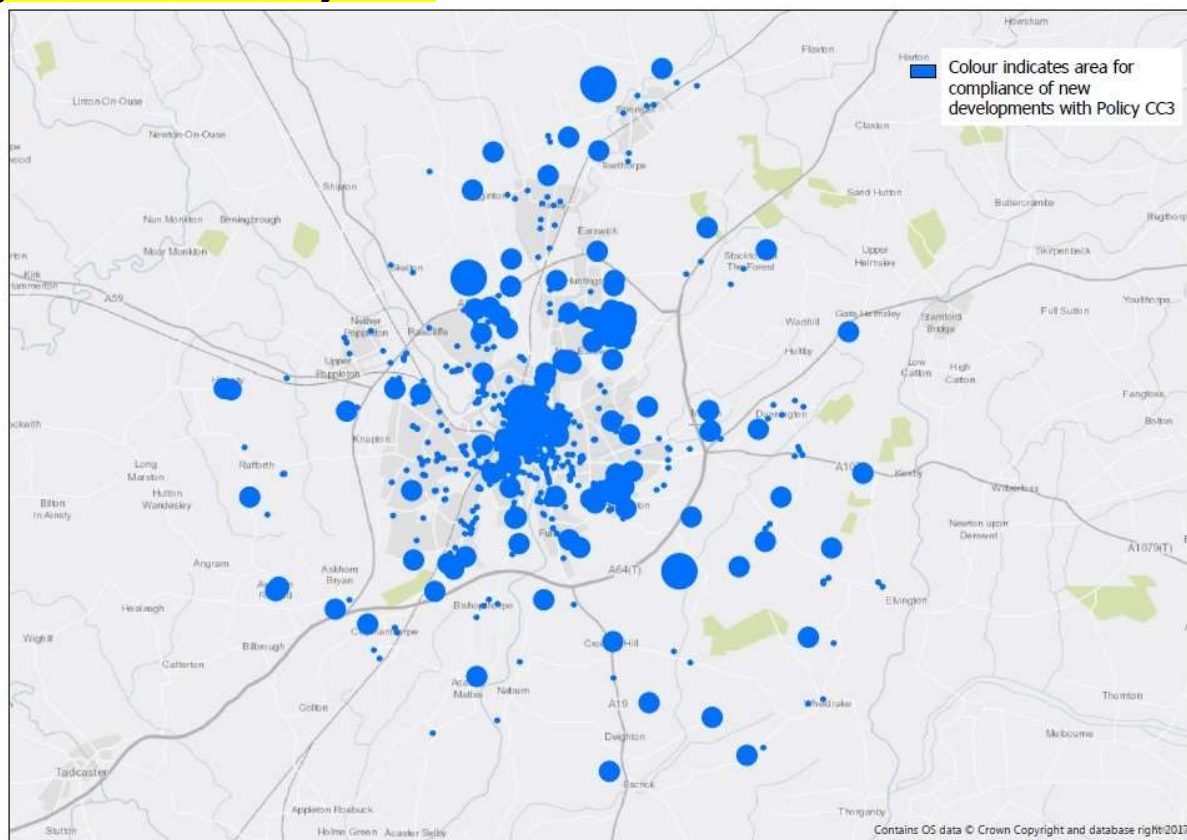
11.24 'Decentralised energy' is energy that is generated near to the point of use, rather than at a large plant farther away, supplied through the national grid. Where the policy refers to 'communal heating/cooling networks', this refers to systems that distribute heating and cooling to a number of dwellings within one building but do not use (C)CHP as their source (i.e. they do not include power generation). 'Distribution networks' are systems that connect two or more distinct buildings.

- 11.25 The NPPF requires the Local Plan to have a positive strategy to mitigate and adapt to climate change in line with the objectives and provisions of the Climate Change Act (2008). Local Planning Authorities should adopt proactive strategies and design their policies to maximise renewable and low carbon energy development, and identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems.
- 11.26 The UK Government's Heat and Building Strategy (2021) outlines the significant role that (C)CHP could play in decarbonising the UK gas grid, offering a future-proofed, flexible and efficient solution to local energy supply. The Climate Change Action Plan for York also recognises that to achieve the ambitious 2020 city-level target of a 40% reduction in carbon emissions, and the 2050 target of the Climate Change Act 2008, new developments will need to maximise decentralised energy and CHP schemes.
- 11.27 (C)CHP distribution networks can work at a range of scales from a single building up to a city and can provide low or zero carbon power, heat and cooling in a cost-effective, efficient and environmentally sound way. (C)CHP removes the need for individual gas boilers and large plant rooms, which provides flexibility in building design and maximises space for living and amenity.
- 11.28 The Council will strongly support the use of decentralised energy in new developments, and therefore requires all new major developments to assess the feasibility of connecting to an existing decentralised energy network, or where this is not possible establishing a new network. Applicants should consider the options below, in the order listed, to ensure that energy from an efficient source is used where possible:
- 1. Connect immediately:** where feasible and viable, development will be required to connect immediately to existing networks that are likely to be operational in the long term, and do not require the network as a whole to increase its fossil fuel consumption (i.e. it should be demonstrated that the network either has spare and wasted capacity, or demonstrate that the energy in the decentralised network is sourced from renewable sources).
  - 2. Connect in immediate future:** where networks do not currently exist, developments will be required to assess the feasibility of connecting to identified future decentralised energy network opportunities in the vicinity of the site, having regard to best available evidence such as area specific feasibility studies and any other relevant energy plans. Where shown to be feasible and viable, development proposals must provide on-site infrastructure for connection and agree a timescale for connection where possible;
  - 3. Provide a site wide low carbon network:** where connection to an existing or planned network is not feasible, developments should evaluate the feasibility and viability of a site wide network using low carbon energy sources
- and particularly (C)CHP distribution networks, with the aspiration that this will help achieve the targets set in the Climate Change Action Plan for York. The Council will work

with developers during pre-application discussions, in order to facilitate the development of district heating networks and buildings that are 'connection ready'.

- 11.29 The Leeds City Region Strategic Heat Programme Heat Network Opportunity Mapping Report (2014) identified 91 financially viable district heating opportunities across the region, including in York. Two heat network schemes in York Central (ST5) and the surrounding City of York and surrounding the area of York Hospital have since been further developed in feasibility studies which demonstrate financial viability. Therefore, there is a strong evidence base to support the viability of heat networks in York.
- 11.30 All new developments should select heating systems in accordance with the heating and cooling hierarchy. Applying a hierarchical approach to the selection of heating and cooling technologies offers a reasoned method through which to make the most appropriate choice and encourages the use of the solution with the lowest carbon emissions.
- 11.31 Where developments fall within heat priority areas, as shown at Figure 11.1 overleaf, the provision of new (C)CHP distribution networks should be considered, feasible unless it can clearly be demonstrated otherwise for financial, technical or sustainability reasons.

**Figure 11.1: Heat Priority Areas**



- 11.32 Outside the heat priority areas, the provision of new (C)CHP distribution networks should be considered feasible for sufficiently large or intensive developments, unless it can be clearly demonstrated otherwise for financial, technical or sustainability

reasons. Where sites have a variable density and it can be shown that the use of a (C)CHP distribution network across the whole of the site is not feasible, consideration must be given to a partial solution on the higher density elements of the site.

11.33 Sufficiently large or intensive developments are defined as any of the following:

- residential only developments of at least 50 dwellings per hectare and/or at least 300 dwellings;
- residential only developments of 35 dwellings or more that are located near a significant source of heat; and
- mixed developments of 50 dwellings or more that include either two or more uses or a single use that would consume significant amounts of energy, such as a swimming pool.

11.34 It would be expected that the most appropriate solution for minor residential developments would be to incorporate future proofing measures to allow for the subsequent connection of the building to larger heat networks as they are constructed. Developments will be 'connection ready' if they use a centralised communal wet heating system rather than individual gas boilers or electric heating and safeguard the appropriate pipe routes and plant room space for the installation of heat interface units (see Table 11.1). Proposals must comply with the minimum requirements outlined in the Chartered Institute of Building Services Engineers Code of Practice for Heat Networks.

**Table 11.1: Indicative Space Requirements for Heat Exchange Substation Equipment within Building Plant Rooms**

Heating Capacity (kW) (Space Heating + Ventilation)	Approximate Building Size (m <sup>2</sup> )	Space Required by the Heating Equipment (m <sup>2</sup> )
30	1,000-1,500	2
200	10,000-15,000	4
400	20,000-30,000	5
800	40,000-60,000	6

### Delivery

- Key Delivery Partners: City of York Council; developers; and renewable energy developers.
- Implementation: Sustainability statements; sustainable energy statements; [Supplementary Planning Document](#) and planning applications.